

FILED

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

MONTBLANC-SIMPLO GMBH,

*Plaintiff,*

v.

BUYMONTBLANCPENSCA.NET;  
MONTBLANCPENNENOUTLET.NET;  
PENSMONTBLANCCA.NET;  
BOLIGRAFOSMONTBLANC.ORG;  
MONTBLANCBOLIGRAFOSESPANA.NET;  
MONTBLANCKUGELSCHREIBERKAUFEN.NET;  
MONTBLANCPENAU.NET;  
MONTBLANCPENONLINEUK.COM;  
MONTBLANCPENSOUTLETUK.COM;  
PASCHERSTYLOMONTBLANC.NET;  
PENNEMONTBLANCITALIA.ORG;  
PENNORMONTBLANC.NET;  
CHEAPMONTBLANCPENSEAU.NET;  
DISCOUNTMONTBLANCPENSUK.NET;  
MONTBLANCBOLIGRAFOSESPANA.BIZ;  
MONTBLANCKUGELSCHREIBERGUNSTIG.BIZ;  
MONTBLANCKUGELSCHREIBERSCHWEIZ.ORG;  
MONTBLANCKUGELSCHREIBERKAUFEN.BIZ;  
MONTBLANCPENIRELAND.NET;  
MONTBLANCPENSUKONLINE.BIZ;  
PENNORMONTBLANC.BIZ;  
CHEAPMONTBLANCPENSEAU.ORG;  
DISCOUNTMONTBLANCPENSUK.ORG;  
MONTBLANCFULLERGUNSTIG.COM;  
MONTBLANCPENAU.ORG;  
FULLERMONTBLANCONLINE.COM;  
FULLFEDERHALTERMONTBLANC.COM;  
KUGELSCHREIBERMONTBLANCSALE.COM;  
MONTBLANCFULLFEDERKAUFEN.COM  
MONTBLANCPENSIRELAND.ORG;  
MONTBLANCFULLERKAUFEN.COM;  
MONTBLANCPENSSTORES.COM;  
PENMONTBLANCAUSTRALIA.COM;  
PENMONTBLANCCANADA.COM;  
BOLIGRAFOSMONTBLANCESPANA.NET;  
PENMONTBLANCAUSTRALIA.NET;  
MONTBLANCMEISTERSTUCKPEN.NET;

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ALEXANDRIA, VIRGINIA

Civil Action No.

1:13CV1137-TSE/TCB

MONTBLANCPENSAU.ORG;  
MONTBLANCPENSBUYONLINE.COM;  
MONTBLANCSTARWALKERPEN.COM;  
PENNMONTBLANCITALIA.BIZ;  
PENSMONTBLANCFORSALE.COM;  
STYLOMONTBLANCBOUTIQUE.COM;  
BOLIGRAFOSMONTBLANC.BIZ;  
MONTBLANCPENIRELAND.COM;  
MONTBLANCPENSIRELAND.NET;  
BOLIGRAFOSMONTBLANCESPANA.COM;  
CHEAPPENSMONTBLANCSALE.NET;  
MONTBLANCBOLIGRAFOS.ORG;  
MONTBLANCFULLERGUNSTIG.NET;  
MONTBLANCPENSALECA.NET;  
CHEAPMONTBLANCPENSEAU.BIZ;  
MONTBLANCPENONLINEUK.ORG;  
MONTBLANCPENSSTORES.NET;  
BUYMONTBLANCPENONLINE.COM;  
CHEAPPENSMONTBLANCSALE.COM;  
MONTBLANCPENSSALEUK.NET;  
BUYMONTBLANCPENSCA.COM;  
BUYMONTBLANCPENAU.COM;  
CHEAPMONTBLANCPENSEAU.COM;  
MONTBLANCOUTLETAUSTRALIA.COM;  
MONTBLANCPENSONLINEAU.COM;  
BUYMONTBLANCPENSONLINE.COM;  
CHEAPMONTBLANCPENSSHOP.COM;  
MONTBLANCPENIRELAND.ORG;  
MONTBLANCPENSONLINESHOP.COM;  
PENSMONTBLANCCANADA.COM;  
BUYMONTBLANCPENSONLINEUK.COM;  
CHEAPMONTBLANCPENSALEUK.COM;  
DISCOUNTMONTBLANCPENSUK.COM;  
MONTBLANCPENNENOUTLET.BIZ;  
MONTBLANCPENSHOPAU.NET;  
MONTBLANCPENSIRELAND.BIZ;  
SHOPMONTBLANCPENSUK.COM;  
CHEAPMONTBLANCPENSCA.COM;  
MONTBLANCPENONLINESALE.COM;  
MONTBLANCPENSALECA.COM;  
MONTBLANCPENSONLINECA.COM;  
PENSMONTBLANCCA.COM;  
DISCOUNTMONTBLANCPENSUK.BIZ;  
MONTBLANCPENSONLINEIE.COM;  
PASCHERSTYLOMONTBLANC.ORG;  
MONTBLANCKUGELSCHREIBERGUNSTIG.COM;  
MONTBLANCKUGELSCHREIBERSCHWEIZ.COM;  
MONTBLANCKUGELSCHREIBERSCHWEIZ.NET;

MONTBLANCKUGLEPENDK.NET;  
MONTBLANCPENNEN.NET;  
MONTBLANCPENNENOUTLET.COM;  
MONTBLANCKUGLEPENDK.COM;  
MONTBLANCKUGLEPENKOB.COM;  
MONTBLANCPENONLINEUK.NET;  
MONTBLANCPENS-UK.NET;  
CHEAPMONTBLANCS.NET;  
MONTBLANCONLINESALE.NET;  
PASCHERSTYLOMONTBLANC.COM;  
STYLOBILLEMONTBLANC.COM;  
UTSOKTMONTBLANC.NET;  
SALEMONTBLANC.NET;  
MONTBLANCPENSUKONLINE.ORG;  
BUYMONTBLANCPENSAU.COM;  
PENNORMONTBLANC.ORG;  
MONTBLANCBOLIGRAFOSESPANA.ORG;  
MONTBLANCKUGELSCHREIBERGUNSTIG.ORG;  
MONTBLANCKUGELSCHREIBERKAUFEN.ORG;  
MONTBLANCPENNENOUTLET.ORG;  
MONTBLANCPENSALEAU.COM;  
FULLERMONTBLANC.COM;  
MONTBLANCPENNENEGOZI.COM;  
PENMONTBLANC.NET;  
BESTMONTBLANCPEN.COM;  
STYLOMONTBLANCPASCHER.NET;  
BOLIGRAFOMONTBLANCESPANA.COM;  
MONTBLANCPENNEONLINE.COM;  
MONTBLANCSYLOSFRANCE.NET;  
MONTBLANCPENONLINE.NET;  
MONTBLANCPENAUSTRALIA.NET;  
MONTBLANCPENSAU.BIZ;  
MONTBLANCMEISTERSTUCKPEN.BIZ;  
MONTBLANCSTARWALKERPEN.NET;  
BOLIGRAFOMONTBLANCESPANA.ORG;  
MONTBLANCPENONLINE.ORG;  
STYLOMONTBLANCPASCHER.ORG;  
MONTBLANCPENONLINE.BIZ;  
STYLOMONTBLANCPASCHER.BIZ;  
MONTBLANCLOJA.NET;  
MONTBLANCPENSSALEUK.ORG,

*Defendants.*

**COMPLAINT FOR IN REM INJUNCTIVE RELIEF UNDER THE  
ANTI-CYBERSQUATTING CONSUMER PROTECTION ACT**

Plaintiff Montblanc-Simplo GmbH (“Plaintiff” or “Montblanc”), by and through its undersigned attorneys, hereby alleges the following in support of its *in rem* claim against the above-captioned one hundred and twenty-six (126) Internet domain names (collectively, the “Defendant Domain Names”).

**NATURE OF THE ACTION**

1. This action has been filed by Montblanc to combat the unlawful cybersquatting of one hundred and twenty-six (126) Defendant Domain Names, all of which incorporate Montblanc’s exclusive trademarks. The Defendant Domain Names and the entities behind them, including all related manufacturers, template designers, affiliates and others (collectively, the “Entities”) are part of a large-scale conspiracy to manufacture, distribute and market counterfeit reproductions of Plaintiff’s famous MONTBLANC® products to online consumers throughout the world. In a bad faith attempt to profit off of the fame, reputation, and goodwill of the prestigious MONTBLANC® brand, the Entities behind the Defendant Domain Names are blatantly misappropriating Montblanc’s famous and federally registered MONTBLANC® word mark, United States Trademark Registration No. 776,208. Further, the Defendant Domain Names resolve or re-direct to Internet websites (the “Infringing Websites”) that prominently display the MONTBLANC® word mark and/or the MONTBLANC® and “Star Design”® composite mark, United States Trademark Registration No. 2,515,092 (collectively, the “MONTBLANC® marks”) on their webpages. In this way, the Defendant Domain Names are being used to mislead consumers into associating the Infringing Websites with Montblanc. Moreover, the Infringing Websites advertise and offer for sale counterfeit and infringing products bearing the MONTBLANC® marks.

2. The interrelatedness of the Defendant Domain Names are highlighted by the following:

- a. Virtually all Defendant Domain Names were registered with the same registrar (eNom, Inc.), and virtually all of the Defendant Domain Names used the same proxy service to conceal the true identity of the registrants (WhoisGuard, Inc.).
- b. One hundred (100) of the Defendant Domain Names have the same administrative contact number listed in the Whois domain name registration information: 1.13329010119.<sup>1</sup> An additional seven (7) Defendant Domain Names have the same number, with the addition of the area code “86” for China: 86.013329010119.
- c. Of the remaining eighteen (18) Defendant Domain Names, sixteen (16) Defendant Domain Names have the same phone number listed in the Whois domain name registration information: 1.13329011029. The other two (2) Defendant Domain Names have the same number, with the addition of the area code “86” for China: 86.13329011029. Upon information and belief, both numbers are prepaid anonymous mobile phone numbers provided by China Telecom in Hefei City, Anhui Province, China.
- d. Many of the Defendant Domain Names have the same or strikingly similar postal addresses listed in the Whois domain name registration information. *See Exhibit 1.*
- e. All Defendant Domain Names are registered to names and organizations consisting solely or in combination of: (1) the name “webwin”; (2) the name “zhim you” or a variation such as ‘zm you,’ ‘zhim Hawryluk,’ ‘you zm,’ ‘you zhimin,’ ‘zhimin you,’ and/or (3) “Li Yongbing,” “Li yongb,” or “Li yongbin.” So, for example,

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<sup>1</sup> A single Defendant Domain Name has 1.3329010119 listed as the number, apparently omitting a digit.

BuyMontblancPensa.net is registered to the registrant “webwin / zhim you,”<sup>2</sup> while BoligrafosMontblanc.biz is registered to “webwin / Li Yongbing.”

- f. Some of Defendant Domain Names resolve to Infringing Websites that display similar graphic design formats, which unlawfully incorporate the MONTBLANC® marks.

3. The chart below depicts the Defendant Domain Names sorted into thirty-one (31) groups, organized by administrative email address. This chart highlights the above facts and shows the connection between the Defendant Domain Names.

GROUP 1		
Domain Name	Registrant	Email Address
buymontblancpensa.net	webwin / zhim you	awh12568@126.com
montblancpennenoutlet.net	webwin / zhim you	awh12568@126.com
pensmontblanca.net	webwin / zhim you	awh12568@126.com
GROUP 2		
Domain Name	Registrant	Email Address
boligrafosmontblanc.org	webwin/ zhim you	outoflove656@163.com
montblancboligrafosespana.net	webwin / zhim you	outoflove656@163.com
montblanckugelschreiberkaufen.net	webwin / zhim you	outoflove656@163.com
montblancpenau.net	webwin / zhim you	outoflove656@163.com
montblancpenonlineuk.com	webwin / zhim you	outoflove656@163.com
montblancpensoutletuk.com	webwin / zhim you	outoflove656@163.com
pascherstylomontblanc.net	webwin / zhim you	outoflove656@163.com
pennemontblancitalia.org	webwin / zhim you	outoflove656@163.com
pennormontblanc.net	webwin / zhim you	outoflove656@163.com

GROUP 3		
Domain Name	Registrant	Email Address

<sup>2</sup> The presentation “\_\_\_\_\_ / \_\_\_\_\_” in the Complaint is meant to convey that the first entity is the registrant and the second entity is the registrant organization.

cheapmontblancpenseau.net	web / zhim you	simpleplan254@126.com
discountmontblancpensuk.net	web / zhim you	simpleplan254@126.com
montblancboligrafosespana.biz	web / zhim you	simpleplan254@126.com
montblanckugelschreibergunstig.biz	web / zhim you	simpleplan254@126.com
montblanckugelschreiberschweiz.org	web / zhim you	simpleplan254@126.com
montblanckugelschreiberkaufen.biz	web / zhim you	simpleplan254@126.com
montblancpenireland.net	web / zhim you	simpleplan254@126.com
montblancpensukonline.biz	web / zhim you	simpleplan254@126.com
pennormontblanc.biz	web / zhim you	simpleplan254@126.com

**GROUP 4**

Domain Name	Registrant	Email Address
cheapmontblancpenseau.org	webwin/ zhim you	womo6565@163.com
discountmontblancpensuk.org	webwin/ zhim you	womo6565@163.com
montblancfullergunstig.com	webwin/ zhim you	womo6565@163.com
montblancpenau.org	webwin/ zhim you	womo6565@163.com

**GROUP 5**

Domain Name	Registrant	Email Address
fullermontblanconline.com	webwin / zhim you	wt65823@163.com
fullfederhaltermontblanc.com	webwin / zhim you	wt65823@163.com
kugelschreibermontblancsale.com	webwin / zhim you	wt65823@163.com
montblancfullfederkaufen.com	webwin / zhim you	wt65823@163.com
montblancpensireland.org	webwin / zhim you	wt65823@163.com

**GROUP 6**

Domain Name	Registrant	Email Address
montblancfullerkaufen.com	webwin / zhim you	awod45685@126.com
montblancpensstores.com	webwin / zhim you	awod45685@126.com
penmontblancaustralia.com	webwin / zhim you	awod45685@126.com
penmontblanccanada.com	webwin / zhim you	awod45685@126.com

GROUP 7		
Domain Name	Registrant	Email Address
boligrafosmontblancespana.net	web / zm you	mustwecando@163.com
penmontblancaustralia.net	web / zm you	mustwecando@163.com
GROUP 8		
Domain Name	Registrant	Email Address
montblancmeisterstuckpen.net	webwin/ zhim Hawryluk	awh46965@126.com
montblancpensau.org	webwin/ zhim Hawryluk	awh46965@126.com
montblancpensbuyonline.com	webwin/ zhim Hawryluk	awh46965@126.com
montblancstarwalkerpen.com	webwin/ zhim Hawryluk	awh46965@126.com
pennemontblancitalia.biz	webwin/ zhim Hawryluk	awh46965@126.com
pensmontblancforsale.com	webwin/ zhim Hawryluk	awh46965@126.com
stylomontblancboutique.com	webwin/ zhim Hawryluk	awh46965@126.com
GROUP 9		
Domain Name	Registrant	Email Address
boligrafosmontblanc.biz	webwin / Li Yongbing	php_int@126.com
montblancpenireland.com	webwin / Li Yongbing	php_int@126.com
montblancpensireland.net	webwin / Li Yongbing	php_int@126.com
GROUP 10		
Domain Name	Registrant	Email Address
boligrafosmontblancespana.com	webwin / lucy prosi	fortheone965@163.com
cheappensmontblancsale.net	webwin / lucy prosi	fortheone965@163.com
montblancboligrafos.org	webwin / lucy prosi	fortheone965@163.com
montblancfullergunstig.net	webwin / lucy prosi	fortheone965@163.com
montblancpensaleca.net	webwin / lucy prosi	fortheone965@163.com
GROUP 11		
Domain Name	Registrant	Email Address
cheapmontblancpenseau.biz	webwin / cynthia guerrero	fortheone879@163.com
montblancpenonlineuk.org	webwin / cynthia guerrero	fortheone879@163.com
montblancpensstores.net	webwin / cynthia guerrero	fortheone879@163.com



GROUP 12		
Domain Name	Registrant	Email Address
buymontblancpenonline.com	youzm/ you zm	fortheone565@163.com
cheappensmontblancsale.com	youzm/ you zm	fortheone565@163.com
GROUP 13		
Domain Name	Registrant	Email Address
montblancpenssaleuk.net	youzm/ you zm	funnylifeok@163.com
GROUP 14		
Domain Name	Registrant	Email Address
buymontblancpensca.com	web / Li Yongbing	bananer@126.com
GROUP 15		
Domain Name	Registrant	Email Address
buymontblancpenau.com	li / li yongbing	lukemanfgd@163.com
cheapmontblancpenseau.com	li / li yongbing	lukemanfgd@163.com
montblancoutletaustalia.com	li / li yongbing	lukemanfgd@163.com
montblancpenonlineau.com	li / li yongbing	lukemanfgd@163.com
GROUP 16		
Domain Name	Registrant	Email Address
buymontblancpenonline.com	li/ li yongbing	xiuli79@yeah.net
cheapmontblancpensshop.com	li/ li yongbing	xiuli79@yeah.net
montblancpenireland.org	li/ li yongbing	xiuli79@yeah.net
montblancpenonlineshop.com	li/ li yongbing	xiuli79@yeah.net
pensmontblanccanada.com	li/ li yongbing	xiuli79@yeah.net
GROUP 17		
Domain Name	Registrant	Email Address
buymontblancpenonlineuk.com	li / li yongbing	qingling6ju@163.com
cheapmontblancpensaleuk.com	li / li yongbing	qingling6ju@163.com
discountmontblancpensuk.com	li / li yongbing	qingling6ju@163.com
montblancpennenoutlet.biz	li / li yongbing	qingling6ju@163.com
montblancpenshopau.net	li / li yongbing	qingling6ju@163.com
montblancpensireland.biz	li / li yongbing	qingling6ju@163.com
shopmontblancpensuk.com	li / li yongbing	qingling6ju@163.com

GROUP 18		
Domain Name	Registrant	Email Address
cheapmontblancpensca.com	li / li yongb	cityholidaygo@126.com
montblancpenonlinesale.com	li / li yongb	cityholidaygo@126.com
montblancpensaleca.com	li / li yongb	cityholidaygo@126.com
montblancpenonlineca.com	li / li yongb	cityholidaygo@126.com
pensmontblanca.com	li / li yongb	cityholidaygo@126.com
GROUP 19		
Domain Name	Registrant	Email Address
discountmontblancpensuk.biz	li / li yongbing	outoflove586@163.com
montblancpenonlineie.com	li / li yongbing	outoflove586@163.com
pascherstylomontblanc.org	li / li yongbing	outoflove586@163.com
GROUP 20		
Domain Name	Registrant	Email Address
montblanckugelschreibergunstig.com	li / li yongb	movelikejaggersf@126.com
montblanckugelschreiberschweiz.com	li / li yongb	movelikejaggersf@126.com
montblanckugelschreiberschweiz.net	li / li yongb	movelikejaggersf@126.com
montblanckuglependk.net	li / li yongb	movelikejaggersf@126.com
montblancpennen.net	li / li yongb	movelikejaggersf@126.com
montblancpennenoutlet.com	li / li yongb	movelikejaggersf@126.com
GROUP 21		
Domain Name	Registrant	Email Address
montblanckuglependk.com	li / li yongb	severtoserver@126.com
montblanckuglepenkob.com	li / li yongb	severtoserver@126.com
montblancpenonlineuk.net	li / li yongb	severtoserver@126.com
montblancpens-uk.net	li / li yongb	severtoserver@126.com
GROUP 22		
Domain Name	Registrant	Email Address
cheapmontblancs.net	you zhimin/ you zhimin	sssl1la@126.com
montblanconlinesale.net	you zhimin/ you zhimin	sssl1la@126.com
pascherstylomontblanc.com	you zhimin/ you zhimin	sssl1la@126.com
stylobillemontblanc.com	you zhimin/ you zhimin	sssl1la@126.com

utsoktmontblanc.net	you zhimin/ you zhimin	sssllla@126.com
Salemontblanc.net	you zhimin/ you zhimin	sssllla@126.com

**GROUP 23**

Domain Name	Registrant	Email Address
montblancpensukonline.org	webwin / Yong yingbing	php_32@126.com
buymontblancpensau.com	webwin / Yong yingbing	php_32@126.com
pennormontblanc.org	webwin / Yong yingbing	php_32@126.com
montblancboligrafosspana.org	webwin / Yong yingbing	php_32@126.com
montblanckugelschreibergunstig.org	webwin / Yong yingbing	php_32@126.com
montblanckugelschreiberkaufen.org	webwin / Yong yingbing	php_32@126.com
montblancpennenoutlet.org	webwin / Yong yingbing	php_32@126.com
montblancpensaleau.com	webwin / Yong yingbing	php_32@126.com

**GROUP 24**

Domain Name	Registrant	Email Address
fullermontblanc.com	webwin/ zhim you	mewebwin2@163.com
montblancpennenegozi.com	webwin/ zhim you	mewebwin2@163.com
penmontblanc.net	webwin/ zhim you	mewebwin2@163.com
bestmontblancpen.com	webwin/you zhim	mewebwin2@163.com
stylomontblancpascher.net	webwin/ you zhim	mewebwin2@163.com

**GROUP 25**

Domain Name	Registrant	Email Address
boligrafomontblancespana.com	webwin / zhim you	mewebwin3@163.com
montblancpenneonline.com	webwin / zhim you	mewebwin3@163.com
montblancstylosfrance.net	webwin / zhim you	mewebwin3@163.com
montblancpenonline.net	webwin / zhim you	mewebwin3@163.com
montblancpenaustralia.net	webwin / zhim you	mewebwin3@163.com

**GROUP 26**

Domain Name	Registrant	Email Address
montblancpensau.biz	zhimin you	facene5@163.com
Montblancmeisterstuckpen.biz	zhimim you	facene5@163.com

GROUP 27		
Domain Name	Registrant	Email Address
montblancstarwalkerpen.net	zhimin you	wangtingwangluo@163.com
boligrafomontblancespana.org	zhimin you	wangtingwangluo@163.com
montblancpenonline.org	zhimin you	wangtingwangluo@163.com
GROUP 28		
Domain Name	Registrant	Email Address
stylomontblancpascher.org	zhimin you	duodqing84@126.com
montblancpenonline.biz	zhimim you	duodqing84@126.com
GROUP 29		
Domain Name	Registrant	Email Address
Stylomontblancpascher.biz	zhimin you	Bea876@163.com
GROUP 30		
Domain Name	Registrant	Email Address
Montblancloja.net	you zhimin/ you zhimin	mayu8ko3@yeah.net
GROUP 31		
Domain Name	Registrant	Email Address
Montblancpenssaleuk.org	li /li yongbin	oasiswonderwall@163.com

4. The Entities behind the Defendant Domain Names have purposefully deceived consumers into believing that the counterfeit products offered for sale through the Infringing Websites originate from the MONTBLANC® luxury brand. Further, the Entities have diluted and tarnished the famous MONTBLANC® marks by creating and registering domain names that resolve to Infringing Websites that offer for sale inferior products under the MONTBLANC® marks without authorization.

5. Accordingly, Montblanc requests in rem injunctive relief under the Anti-cybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) (the “ACPA”), in order to curb the large-scale and continuing online counterfeiting scheme perpetrated by the entities behind the

Defendant Domain Names, to prevent further online consumer confusion, and to avoid further dilution and tarnishment of the MONTBLANC® marks. Accordingly, Montblanc seeks an injunction transferring the Defendant Domain Names to Montblanc.

### **THE PARTIES**

6. Plaintiff Montblanc-Simplo GmbH is a corporation duly organized and existing under the laws of Germany, with an address at Hellgrundweg 100, Hamburg, Germany 22525.

7. Defendant Domain Names represent one hundred and twenty-six (126) Internet domain names over which this Court possesses *in rem* jurisdiction pursuant to 15 U.S.C. § 1125(d)(2)(C)(i) as the domain name registry for each and every identified domain name is located in this judicial district. A true and correct copy of a spreadsheet cataloging each domain name at issue as well as its current domain name registration information is annexed hereto as **Exhibit 2**.

### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction of this claim pursuant to 28 U.S.C. §§ 1331 and 1338, as Montblanc's claims against Defendant Domain Names arise under the Lanham Act, 15 U.S.C. § 1125(d).

9. This Court has *in rem* jurisdiction over the Defendant Domain Names pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(I). The requirements for *in rem* jurisdiction under 15 U.S.C. § 1125(d)(2)(A)(ii)(I) are met because Montblanc, the owner of the MONTBLANC® marks, is not able to obtain *in personam* jurisdiction over the registrants of the Defendant Domain Names, who, putatively, are located in China, and are not subject to personal jurisdiction in, the United States.

10. Furthermore, Montblanc is informed and believes that the WHOIS information for these domain names is false, incomplete, and/or fictitious. *See Atlas Copco AB v. Atlascopcoiran.com*, 533 F. Supp. 2d 610, 613, n. 1 (E.D. Va. 2008). As, the Defendant Domain Names violate the rights of Montblanc, who is the owner of the MONTBLANC® marks, as required by 15 U.S.C. § 1125(d)(2)(A)(i), under these circumstances, an *in rem* civil action by Montblanc against the Defendant Domain Names is proper in any judicial district in which the domain name registrar, domain name registry, or other domain name authority that registered or assigned the domain name is located, pursuant to 15 U.S.C. § 1125(d)(2). Insofar as this action is concerned, the registries for the Defendant Domain Names are VeriSign Inc., Public Interest Registry, or Neustar, all of which are located within this judicial district. To the extent that the Court requires additional information in order to determine its control and authority regarding the disposition of the registration of the Defendant Domain Names, Plaintiff shall expeditiously deposit such information with the Court upon request.

11. Additionally, this Court has *in rem* jurisdiction over the Defendant Domain Names pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II), because Montblanc: (i) was unable to find, through due diligence, a person who would have been a defendant in a civil action under 15 U.S.C. § 1125(d)(1); (ii) has sent notice to the registrant of the Defendant Domain Names, pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(aa); and (iii) will provide additional notice of the action promptly after its filing as the court may direct, pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii)(II)(bb). The circumstances regarding Plaintiff's unsuccessful attempts to contact each Defendant using multiple communication means are set forth in the accompanying Declaration of Martin Schwimmer. Under these circumstances, an *in rem* civil action by Montblanc against the Defendant Domain Names is proper in any judicial district in which the domain name registrar,

domain name registry, or other domain name authority that registered or assigned the domain name is located, pursuant to 15 U.S.C. § 1125(d)(2)(A). As stated *supra*, the registries for the Defendant Domain Names are either VeriSign, Inc., Public Interest Registry or Neustar are located within this judicial district.

12. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) and 15 U.S.C. § 1125(d)(2)(C)(i), because the registries for the Defendant Domain Names is located in this judicial district.

### **FACTUAL BACKGROUND**

#### **PLAINTIFF'S FAMOUS MONTBLANC® MARKS**

11. Since 1906, Plaintiff has manufactured, designed, and sold sophisticated, high-quality writing instruments under the MONTBLANC® brand. Plaintiff's famous MONTBLANC® product line also includes, *inter alia*, writing accessories, watches, luxury leather goods and belts, jewelry, and eyewear.


12. The English translation of "Mont Blanc" is "white mountain," a phrase that is arbitrary and inherently distinctive as applied to Montblanc's products and services. Montblanc operates an Internet website located at <http://www.Montblanc.com>, through which it sells and advertises its various merchandise.

13. Montblanc has registered MONTBLANC® as a word mark with the United States Patent and Trademark Office pursuant to 15 U.S.C. § 150. Originally, Montblanc registered the MONTBLANC® word mark on September 1, 1964, Registration No. 776,208 in class 16 for fountain pens, cases for fountain pens, ball point pens, ball point cartridges, ball point paste, mechanical pencils, and lead for mechanical pencils. Montblanc subsequently registered the MONTBLANC® word mark: (i) on March 8, 1994, Registration No. 1,825,001 in class 9; (ii) on



March 21, 1995, Registration No. 1,884,842 in classes 14 and 18; (iii) on November 10, 1998, Registration No. 2,202,465 in class 3; (iv) on October 3, 2000, Registration No. 2,415,189 in class 25; and (v) on March 9, 2004, Registration No. 2,820,561 in class 37. These represent some, but not all, of the word marks registered by Montblanc incorporating or containing the name: "MONTBLANC." Further, several of the registered MONTBLANC® word marks have obtained incontestable status pursuant to 15 U.S.C. § 1065.

14. In addition, Plaintiff has registered several stylized design marks with the United States Patent and Trademark Office pursuant to 15 U.S.C. § 150, for use in connection with its MONTBLANC® branded products and services. Specifically, Montblanc registered the composite MONTBLANC and "Star Design"® mark on December 4, 2001, Registration No. 2,515,092 in class 16. The composite MONTBLANC and "Star Design"® mark, Registration No. 2,515,092 has obtained incontestable status pursuant to 15 U.S.C. § 1065. Subsequently, on February 21, 2006, Montblanc registered the composite MONTBLANC and "Star Design"® mark, Registration No. 3,059,776 in classes 6, 8, 9, 21, 25, and 34. The composite MONTBLANC and "Star Design"® mark represents one, but not all, of the design marks registered by Montblanc that incorporate the famous "MONTBLANC" mark or that Montblanc uses in commerce in connection with its various products and services.

**Representative Sample of Federally Registered MONTBLANC® Marks:**

<u>Trademark</u>	<u>Specimen</u>	<u>Registration Nos.</u>
MONTBLANC® (word mark)		776,208 1,825,001 1,884,842 2,415,189 2,820,561



“Star and Circle” Design®		839,016 1,853,526 1,878,584 2,346,953 3,852,485
MONTBLANC & LOGO®		2,515,092 3,059,776

A true and correct copy of a representative sample of U.S. trademark registrations owned by Montblanc is annexed hereto as **Exhibit 3**.

15. Plaintiff promotes its products and services under its registered MONTBLANC® marks. This includes Plaintiff's use of the MONTBLANC® word mark in its domain name, as well as Plaintiff's use of the MONTBLANC® marks throughout its website to advertise and offer for sale genuine and authentic MONTBLANC® brand products. In addition, Montblanc manufactures and distributes products and/or product packaging bearing the MONTBLANC® marks. Thus, Plaintiff uses the MONTBLANC® marks to indicate the source of its high-quality products and services.

16. As a result of the enormous commercial success of the MONTBLANC® brand, consumers have long associated the MONTBLANC® marks with Plaintiff's business. Indeed, in 2010 alone, the MONTBLANC® brand generated in excess of €560,000,000 (or approximately in excess of \$780,000,000 USD) in total sales revenue worldwide.

17. The long-standing history, reputation, and commercial success of the MONTBLANC® brand renders the MONTBLANC® marks famous under 15 U.S.C § 1125. Indeed, the MONTBLANC® marks were famous well before registration of Defendant Domain Names.

18. The MONTBLANC® marks are currently in full force and effect and Montblanc is actively engaged in efforts to police unauthorized use of its MONTBLANC® marks, both in the United States and internationally. The overwhelming popularity of the MONTBLANC® brand has caused these efforts to be both difficult and costly, as demonstrated by the extensive online counterfeiting efforts of the Defendant Domain Names.

### **DEFENDANTS' UNLAWFUL CONDUCT**

19. As illustrated by the Chart above, the Defendant Domain Names all contain the MONTBLANC® word mark in a way that is confusingly similar to Montblanc's legitimate use of the mark on its official website. Upon information and belief, the Entities behind the Defendant Domain Names have adopted the MONTBLANC® word mark – combined with various generic words – in a tactical effort to lure unsuspecting consumers seeking to purchase MONTBLANC® products online to websites selling counterfeit merchandise. The generic words adopted in conjunction with the MONTBLANC® word mark include, but are not limited to, “pen(s),” “discount,” “shop,” “outlet,” “buy,” “online,” and “fuller” (which means “fountain pen” in German).

20. Even though all Defendant Domain Names incorporate the MONTBLANC® word mark and purport to sell Montblanc merchandise, none are affiliated with Montblanc. In fact, upon information and belief, the goods offered for sale via the Defendant Domain Names are counterfeit and are designed to mislead the public.

21. Many of the active Infringing Websites prominently display Plaintiff's MONTBLANC® word mark and/or composite MONTBLANC and “Star Design”® mark on their home pages, thereby wrongfully suggesting an association with Montblanc and creating the

immediate impression among Internet consumers that the Infringing Websites are in some way endorsed by, affiliated with, or otherwise authorized by Montblanc.

22. The Internet Corporation for Assigned Names and Numbers (“ICANN”) is a non-profit corporation incorporated to oversee a number of Internet-related tasks previously performed on behalf of the U.S. government by other organizations (notably the Internet Assigned Numbers Authority (“IANA”), which ICANN now operates). Pursuant to ICANN regulations, all domain name registrants are required to maintain “complete and accurate” contact information for every registered domain name. See ICANN Uniform Domain Name Dispute Resolution Policy (“UDRP”) (available at <http://archive.icann.org/en/udrp/udrp-policy-24oct99.htm>) at ¶ 2. A true and correct copy of the ICANN Uniform Domain Name Dispute Resolution Policy is annexed hereto as Exhibit 4. Where, as here, abusive registrations of domain names are at issue (*i.e.*, cybersquatting), expedited administrative proceedings are provided for by rule whereby the trademark owner may file a complaint in a court of proper jurisdiction against the domain name registrant or, as in the instant case, an *in rem* action concerning the domain name. See [www.icann.org/en/help/dndr/udrp](http://www.icann.org/en/help/dndr/udrp).

23. Indeed, several of the registrants of the Defendant Domain Names are serial cybersquatters. For example, L’Oreal SA (“L’Oreal”) brought a WIPO proceeding against webwin / zhim you, the listed owner of thirty-three (33) Defendant Domain Names, over webwin / zhim you’s registration of brosseclarisonicfrance.com (also with eNom, Inc. and initially protected by WhoisGuard). Webwin / zhim you was using that domain name to sell counterfeit L’Oreal products via a website designed to look like L’Oreal’s website. WIPO determined that webwin / zhim you had registered the domain in bad faith and with no legitimate interests and ordered the transfer of the domain to L’Oreal. See L’Oreal S.A. v. webwin, Zhim You, Case No. D2013-0364 (WIPO

Arb. & Mediation Ctr., April 17, 2013) *available at* <http://www.wipo.int/amc/en/domains/search/text.jsp?case=D2013-0364> (the “Webwin Proceeding”).

24. Not coincidentally, in a separate WIPO proceeding, li / li yongb, the registrant of fifteen (15) Defendant Domain Names, also registered domain names encompassing L’Oreal’s CLARISONIC trademark with eNom, Inc. and initially protected by WhoisGuard (clarisonicbrossefrance.com and miaclarisonicfrance.com). One of the domains li/ li yongb registered was clarisonicbrossefrance.com - a mere re-ordering of the domain at issue in the Webwin Proceeding. Moreover, just like the Webwin Proceeding, li / li yongb was offering counterfeit L’Oreal goods for sale via a website that had a similar look, feel and layout as L’Oreal’s website. WIPO ordered the transfer of the domain names to L’Oreal, finding that li / li yongb abusively registered the domain names. *See* L’Oreal SA v. Li/Li Yongb, Case No. D2013-0372 (WIPO Arb. & Mediation Ctr., April 18, 2013) *available at* <http://www.wipo.int/amc/en/domains/search/text.jsp?case=D2013-0372>.

25. Here, as in the above WIPO cases above, webwin / zhim you and li / li yongb registered several virtually identical Defendant Domain Names (but for the TLD suffix). The chart below highlights these domains and further cements the nexus between the Defendant Domain Names and the conspiracy behind them:

WEBWIN /ZHIM YOU	LI / LI YONGB
montblanckugelschreibergunstig.biz	montblanckugelschreibergunstig.com
montblanckugelschreiberschweiz.org	montblanckugelschreiberschweiz.com
	montblanckugelschreiberschweiz.net
montblanccpenonlineuk.com	montblanccpenonlineuk.net
montblanccpennenoutlet.net	montblanccpennenoutlet.com

26. In addition to the WIPO decisions, registrants of Defendant Domain Names were identified in other civil actions, including *Tiffany (NJ) LLC v. 925LY.com et al.*, 2:11-cv-00590 (District of Nevada). In that case, [php\\_32@126.com](mailto:php_32@126.com) (the e-mail address associated with eight (8) Defendant Domain Names) and [xiuli79@yeah.net](mailto:xiuli79@yeah.net) (the e-mail address associated with five (5) Defendant Domain Names) were identified as the contact e-mail addresses identified in the registrant information for domain names incorporating Plaintiff's trademark.

### **DEFENDANT DOMAIN NAMES**

27. Based on the obvious commonalities discussed above and illustrated by the Chart, Montblanc is informed and believes that the Defendant Domain Names and the Entities behind them are engaged in a cooperative online counterfeiting enterprise.

28. Upon information and belief, the registrant(s) behind the Infringing Websites intentionally provided fictitious and/or incomplete contact information to its registrar at the time it registered the Defendant Domain Names.

29. Plaintiff has sent multiple notices to both the email addresses associated with the Defendant Domain Names and to the postal addresses provided by the registrants of the Disputed Domain Names, to its registrar. Plaintiff has not received an acknowledgement of any kind in response to its repeated correspondence.

30. Upon information and belief, the Entities behind the Defendant Domain Names unlawfully continue to: (i) incorporate the MONTBLANC® word mark within the Defendant Domain Names in its entirety; (ii) sponsor Infringing Websites that prominently display the famous MONTBLANC® marks in an effort to deceive consumers and suggest an association with Montblanc; and (iii) offer for sale/sell counterfeit products under the MONTBLANC® marks

through the registration and use of the Defendant Domain Names that resolve to Infringing Websites.

31. A chart of all Defendant Domain Registrant Names, addresses and complete contact information as provided by the Whois records is attached as **Exhibit 2**.

**CLAIM FOR *IN REM* INJUNCTIVE RELIEF UNDER THE ANTI-CYBERSQUATTING CONSUMER PROTECTION ACT (15 U.S.C. § 1125(d))**

32. Montblanc repeats and realleges the allegations contained in Paragraphs 1 through 31 of this Complaint as if fully set forth herein.

33. Montblanc's claim arises under the ACPA, as Defendant Domain Names incorporate Plaintiff's famous and federally registered "MONTBLANC"® word mark in its entirety, as part of the registrant's bad faith effort to profit from the goodwill and reputation associated with Plaintiff's MONTBLANC® marks and the MONTBLANC® brand.

34. Montblanc owns the exclusive trademark rights to its distinctive MONTBLANC® marks, including, but not limited to: (i) Registration Nos. 776,208, 1,825,001, 2,202,465, 2,415,189, and 2,820,561 for the "MONTBLANC"® word mark, (ii) Registration Nos. 839,016, 1,853,526, 1,878,584, 2,346,953 and 3,852,485 for the "Star Design"® mark, and (iii) Registration Nos. 2,515,092 and 3,059,776 for the composite "MONTBLANC" and "Star Design"® mark. These registrations are in full force and effect. Further, many of Montblanc's registered MONTBLANC® marks have become incontestable pursuant to 15 U.S.C. § 1065.

35. The MONTBLANC® marks are famous marks pursuant to 15 U.S.C. § 1125 and qualified as such before and at the time of the Defendant Domain Names' registrations.

36. The Defendant Domain Names contain, and are confusingly similar to, the "MONTBLANC"® word mark. The Entities behind the Defendant Domain Names and the

Infringing Websites to which they resolve, purposefully utilize the MONTBLANC® marks for the unlawful purpose of offering for sale counterfeit Montblanc merchandise online. Thus, the Defendant Domain Names have not been and are not being used for any legitimate purpose.

37. The Entities behind the Defendant Domain Names use the MONTBLANC® marks without authorization and with the bad faith intent to divert potential customers from Montblanc's legitimate online sales efforts on its official Internet website.

38. Upon information and belief, the Entities behind the Defendant Domain Names are engaged in a conspiracy to deceive Montblanc's online customers into drawing an association between Montblanc and the counterfeit products offered for sale on the Infringing Websites. In doing so, the Entities behind the Defendant Domain Names seek to profit from the goodwill and reputation associated with the MONTBLANC® marks and brand.

39. Registration of the Defendant Domain Names violates Montblanc's rights in the registered MONTBLANC® marks, because the Defendant Domain Names are identical or confusingly similar to, and dilutive of the famous MONTBLANC® marks.

40. Montblanc has satisfied the requirements of 15 U.S.C. § 1125(d)(2)(A)(ii) such that the bringing of this *in rem* action over the Defendant Domain Names is proper.

41. The registration and continued use of the Defendant Domain Names in connection with the Infringing Websites is causing, and is likely to continue to cause, substantial and irreparable injury to the consuming public and Montblanc.

42. For the above-stated reasons, Montblanc is entitled to the transfer of the Defendant Domain Names, pursuant to 15 U.S.C. § 1125(d)(2)(D)(i).

**PRAYER FOR RELIEF**

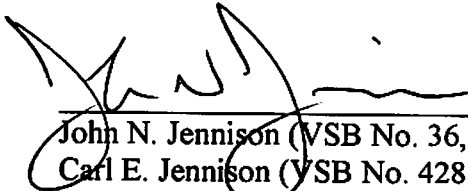
WHEREFORE, Montblanc prays for judgment against Defendant Domain Names as follows:

1. that the Registry be ordered to unlock the Defendant Domain Names and change the registrar of the Defendant Domain Names to Com Laude;
2. that Com Laude be ordered to register the Defendant Domain Names in the name of Montblanc's parent company, Richemont International Ltd., or any such entity within their control (such as counsel) for proper administration of same; and
3. such other and further relief as the Court may deem just and proper, including attorneys' fees.

**JURY TRIAL DEMANDED**

Plaintiff demands a jury trial on all issues so triable by jury.

Dated: September 10, 2013



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